

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO ALL CASES

JUDGE GOODWIN

**APPLICATION OF THOMAS P. CARTMELL
FOR APPOINTMENT AS CO-LEAD COUNSEL
OF MDL 2327, FOR APPOINTMENT TO THE EXECUTIVE
COMMITTEE OF MDLS 2325, 2326, AND 2327 AND FOR
APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

COMES NOW, Thomas P. Cartmell, and respectfully submits this Application for Appointment as Co-Lead Counsel of the Ethicon, Inc. ("Ethicon") MDL, for Appointment to the Executive Committee of MDLs 2325, 2326 and 2327 and for Appointment to Plaintiffs' Steering Committee ("PSC"). I have reviewed the *Plaintiffs' Proposed Counsel Organizational Structure* plan filed with the court for MDLs 2325, 2326 and 2327 on March 19, 2012, and join in support of the recommendation to this Honorable Court that the plan be accepted.

I am counsel of record in both federal and state court actions against all the major defendants in this litigation ("TVM litigation"). My firm has worked on pretrial discovery by reviewing thousands of documents, assisting in numerous depositions and retaining nationally recognized experts in various fields for the *In re Pelvic Mesh/Gynecare* litigation, which is pending in Atlantic County, New Jersey.

I am a founding partner of Wagstaff & Cartmell LLP, a litigation firm based in Kansas City, Missouri. I started the firm with Tom Wagstaff in 1997 after practicing with Blackwell Sanders Matheny Weary & Lombardi, a large defense firm in Kansas City, Missouri. I received my undergraduate degree in Business Administration from the University of Kansas in 1990. I graduated from The University of Kansas School of Law in 1994. While in law school, I was an editor on the Kansas Law Review. I am currently licensed and in good standing with both the Kansas and Missouri Courts (Exhibit 1).

I have extensive experience trying cases and arguing appeals in both State and Federal Courts. I have tried over 30 cases on behalf of both plaintiffs and defendants in Federal and State courts around the country. I have litigated commercial, product liability, fraud, and mass tort cases. I have been recognized in Kansas City as an outstanding litigator on multiple occasions. I was the 2001 recipient of the Thomas J. Conway Award, an award presented annually by the Kansas City Metropolitan Bar Association to a trial lawyer who "represents

his/her clients with zeal.” In 2003, I was awarded the Lon O. Hocker Memorial Trial Lawyer Award, an award presented by the Missouri Bar Foundation to an outstanding trial lawyer in Kansas City for “outstanding expression of the qualities of professional competence, industry, integrity and courtesy indicative of a trial lawyer.” I have been honored as one of the Kansas City Business Journal’s “Best of the Bar” for nine straight years, have been included in the Kansas City Super Lawyers edition for seven straight years, and have continuously been recognized in The Best Lawyers in America since 2007. I am also the current Treasurer of the Kansas City Chapter of the American Board of Trial Advocates (ABOTA). I have an AV rating from Martindale Hubbell.

I am a Fellow of the International Society of Barristers. The International Society of Barristers is an honor society of outstanding trial lawyers chosen by their peers on the basis of excellence and integrity in advocacy. It seeks to preserve trial by jury, the adversary system, and independence of the judiciary.

Currently, my practice is heavily focused on plaintiffs’ mass tort litigation. I have extensive experience with class action federal court procedure, including class actions and mass torts in an MDL setting. I work with attorneys across the country on a wide variety of matters.

I am a member of the Plaintiff’s Steering Committee, in addition to serving as co-chair of the Science Committee for Plaintiff’s Steering Committee, in the multi-district litigation, (*In Re Avandia Marketing, Sales Practices and Products Liability Litigation*), MDL No. 1871, Eastern District of Pennsylvania, in front of the Honorable Cynthia M. Rufe. I was co-lead trial counsel in the first Avandia case scheduled for trial in the Eastern District of Pennsylvania, a case that eventually settled on the eve of trial.

I was a member of the Plaintiffs’ Steering Committee in multi-district pharmaceutical litigation in San Francisco (MDL No. 1699) involving product liability and consumer protection cases arising out of the use of the medications Bextra and Celebrex. I presented several expert witnesses in the case, was lead counsel when deposing defendants’ expert witnesses, and was co-lead counsel at the three day Daubert hearing in San Francisco. I also was co-lead trial counsel in the first Bextra trial in the nation and was instrumental in putting together the nearly half Billion dollar settlement that occurred immediately before the first trial.

I served in a leadership role on behalf of plaintiffs in the multi-district product liability litigation in the Southern District of New York involving Metabolife and other manufacturers of ephedra products (MDL No. 1598). Specifically, I served on the expert/science committee and was settlement/resolution counsel on behalf of plaintiffs resulting in more than \$50 Million in settlements in the NVE and MuscleTech litigation.

I am also a member of the Plaintiff Steering Committee in the multi-district litigation, *In Re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, MDL No. 3:11-MD-2244-K, Northern District of Texas, in front of the Honorable Ed Kinkeade.

My extensive experience in mass tort pharmaceutical litigation also includes the handling of cases involving Baycol, Propulsid, Rezulin, Zyprexa, Vioxx, Paxil, Ketek, Trasylol, Accutane, Reglan and Depuy ASR hip implants.

I am an Adjunct Professor of Trial Advocacy at the University of Kansas School of Law. I am also a frequent speaker at seminars which focus on trial tactics and strategy. I am active in the community. I have been the Chairman of the Board for Crittenton Children's Center for the last three years, and I am a Children's Advocate at Children's Mercy Hospital in Kansas City, Missouri. I also currently sit as the Municipal Court Judge in the City of Mission Hills, Kansas.

I am willing and available to commit to these cases and have the time, financial and staff resources to work on behalf of all plaintiffs. I have worked with all members of the proposed PSC and would welcome the chance to work with them to address our clients' needs.

For the reasons stated above, I respectfully request that Your Honor appoint me to serve as a member of the Executive Committee and the Plaintiffs' Steering Committee of MDLs 2325, 2326, 2327 and as co-lead counsel of the Ethicon MDL No. 2327.

Dated: March 29, 2012

Respectfully submitted,

/s/ Thomas P. Cartmell

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 29, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Dated: March 29, 2012

Respectfully submitted,

/s/ Thomas P. Cartmell

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